

STAFF MEMO
Special Use Permit
Fredericksburg 35, LLC-AAA
SUP 2011-03

Staff Recommendation: Approval with conditions.

1. Overview

- A. Request: The applicant requests approval of a special use permit to construct a light automobile service establishment.
- B. Applicant: AAA
- C. Owner of Property: Fredericksburg 35, LLC, c/o Rappaport Management Company
- D. Site Details: Address 2871 Plank Road
: Current Use Vacant restaurant building (Fuddruckers)
- E. Lot Acreage: Approximately 1.0 acre
- F. Surrounding Zoning: PDC, Planning Development Commercial
1
- G. Surrounding Uses: Restaurants
- H.Planning Commission: June 8th
- I.Future Land Use Designation: Planned Development Commercial



Approved for Distribution
/s/ Beverly R. Cameron

MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Raymond P. Ocel, Jr., Director of Planning and Community Development
DATE: July 12, 2011
RE: SUP2011-03; Fredericksburg 35, LLC-AAA

ISSUE:

Fredericksburg 35, LLC, on behalf of A, is requesting a special use permit in order to construct a light automobile service establishment in conjunction with a typical AAA travel office.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the special use permit with the conditions listed in the City Attorney's resolution.

PLANNING COMMISSION RECOMMENDATION:

At its June 8th public hearing, the Planning Commission, by a vote of 7-0, recommended approval of the special use permit with the conditions noted by staff. The Commission also recommended an additional condition that requires the dumpster to be located to the rear of the property. This condition has been added to the City Attorney's resolution.

During the public hearing portion of the meeting, the Commission did not receive any comments from the public regarding the special use permit application.

Commission members questioned the applicant about the number of jobs that the applicant expects to be created, and the applicant said that he expects 24 new jobs. The Commission also discussed the procedure for the removal of hazardous materials.

BACKGROUND:

AAA is requesting a special use permit in order to construct a light automobile service establishment in conjunction with a typical AAA travel office and related office services

at 2871 Plank Road. (Please see the schematic plan included in the application materials.) This is the location of the former Fuddrucker's restaurant. AAA offices are currently located on Silver Street in Central Park, but they no longer have the need for the large office area they currently occupy.

The applicant notes in the application that while the request for a special use permit is for the automotive service, they will also offer travel service, insurance and member services provided by AAA. The travel, insurance and member services will also include retail sales of travel accessories.

AAA will provide maintenance and repair services such as tune ups, oil changes, inspections, diagnostics, tire rotations, wheel alignments and balancing and other similar light automotive services. These services will be provided within the rear portion of the building. Access into and out of the car care center will be from a single garage door located at the back of the building.

Hours of operation are proposed to be between 7:00 AM and 7:00 PM, Monday through Saturday and 10:00 AM to 4:00 PM on Sunday.

SITE ANALYSIS:

The property is zoned PDC, Planned Development Commercial, which permits "other uses determined by the City Council to be consistent and compatible within the PDC district development". Vehicle repair service establishments are not uses listed by right or by special use permit in this district. However, in order to provide the most flexibility in relation to uses in this Planned Development District, this language was included at the time the district regulations were adopted in the early 1990's.

Although the property has frontage on Plank Road, no direct vehicular access is permitted. Vehicular access is provided by Commerce Street which also serves the restaurants on either side of this property as well as other uses in the area.

Included within the application materials is a plan that shows the layout of the property, Commerce Street and the parking lot. The existing building is highlighted, while the addition is shown to the front of the building, or the Plank Road side.

A dumpster is shown in the parking lot near the front of the building and staff requested that the applicant move this to the rear of the building where three new parking spaces are shown, and the applicant has agreed to do this. The area where the dumpster is now shown, will be redesigned to provide additional parking.

Access to the office portion of the building will be by the doors on the front of the building, while access to the repair area will be by a single garage door located to the rear of the building. (Please see the color rear building elevation plans included in the application materials.)

Due to its enhanced visibility from Plank Road, staff recommended that the garage area be accessed by the one garage door located at the rear of the building to maintain a more attractive appearance and the elevation plans reflect this design.

APPLICATION AND PERFORMANCE CRITERIA:

Special use permits are evaluated utilizing the criteria contained within section 78-994 of the Zoning Ordinance and they include:

- (a) The proposed special use at a specified location shall be:
 - (1) In harmony with the adopted comprehensive plan;
 - (2) In harmony with the purpose and intent of the zoning district regulations;
 - (3) In harmony with the existing uses or planned uses of neighboring properties.
- (b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

(a) (1) In harmony with the adopted comprehensive plan.

The future land use map contained within the Comprehensive Plan designates this property as planned development/commercial. The surrounding properties are all designated in the same manner with the exception of the land on the opposite side of Plank Road which planned for general commercial development. The property lies within Land Use Planning Area 2: Central Park.

There are two Key Issues for this Area, with the following one being applicable to this location:

Key Issues:

- Work with property owners to keep this area a vital component of the City's tax base.

The Plan does not provide specific recommendations for this property. However, the first recommendation for this Area is applicable and it states:

1. Continue to support major commercial centers in this area, to boost local employment opportunities.

The applicant notes within its application materials that the application meets the Policies for Suburban Business districts found in Chapter 7, particularly Goal #3 which calls for

retail businesses, offices and other facilities that offer a wide variety of goods, services, and jobs to residents.

(a) (2) In harmony with the purpose and intent of the zoning district regulations.

The intent section of the PDC district states that the district is established to provide locations for a full range of retail commercial and service uses which are oriented to serve a regional market. The district also provides for planned employment centers with offices and professional business uses. The district should be located adjacent to major transportation arteries, with development encouraged in centers planned as a unit.

The corresponding uses permitted by right and by special use permit are listed because they contribute towards meeting the intent of the district. The flexibility afforded in the district by permitting uses determined by the City Council to be consistent and compatible within the PD-C district development, permits the City to evaluate various uses not specifically listed.

It is conceivable that the subject property can be developed with either commercial, office or restaurant uses but a combined office and related service use at this location would be appropriate given its location in Central Park and the surrounding existing uses. The applicant has provided three letters of support from surrounding businesses that can be found within the application materials.

(a) (3) In harmony with the existing uses or planned uses of neighboring properties.

The existing land uses in this area of Central Park are all oriented toward commercial uses with the exception of the hotel and conference center. At the present time, the property is surrounded by restaurants and commercial uses.

The future land use map contained within the Comprehensive Plan designates this property as Planned Development/Commercial as is all of the land surrounding it. The land on the opposite side of Plank Road is designated as general commercial and contains various commercial uses as well as several vacant buildings. No new projects are proposed in the area at this time as Central Park is essentially built out. Future projects will most likely consist of back filling vacant buildings or changing the use of buildings as being proposed with this application.

(b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

Development of the property as proposed should not hinder development elsewhere in Central Park or the immediate area. The applicant has taken care to propose a building design that will compliment the buildings in the immediate vicinity of the site with the use of masonry materials and windows.

The layout of the site will be unchanged with the exception of the addition to the front of the existing building. The existing front parking area will be modified to accommodate the building addition. As stated earlier, the proposed dumpster location will be moved to the rear of the building.

Staff recommends approval of the application, and if the City Council approves the special use permit, the following conditions are recommended:

1. That the development of the property shall be in general conformance with the exhibits found within the application dated 3/29/11 as amended.
2. That the exterior elevations of the buildings shall be in general conformance with the elevation plans and information submitted with the application.
3. That the proposed use of the property is permitted only so long as it continues and is not discontinued for more than two years.
4. The use of the property shall commence within two years of the date of the adoption of the City Council resolution.
5. That the proposed dumpster shall be relocated to the rear of the property.

ATTACHMENTS:

1. Application and Supporting Materials
2. Planning Commission Minutes



MOTION:

July 12, 2011

SECOND:

Regular Meeting

Resolution No. 11-

**ACTION: GRANTING A SPECIAL USE PERMIT TO FREDERICKSBURG 35 LLC,
TO CONSTRUCT A LIGHT AUTOMOBILE SERVICE
ESTABLISHMENT IN CONJUNCTION WITH AN OFFICE AND
RELATED OFFICE SERVICES ON PROPERTY LOCATED AT 2871
PLANK ROAD**

DATE OF ADOPTION: -----

WHEREAS, the applicant, Fredericksburg 35 LLC, c/o Rappaport Management Company, has applied to this Council for a special use permit to construct a light automotive service establishment in conjunction with a typical AAA travel office and related office services on property owned by it, located at 2871 Plank Road, Tax Map No. 291 12871, GPIN 7769-62-9638, Fredericksburg, Virginia.

WHEREAS, the Council after notice and public hearing thereon, has considered the application in light of its conformity with the City's Comprehensive Plan, its harmony with the purposes and standards of the zoning district regulations, its compatibility with existing or planned uses of neighboring properties, and whether the proposed special use and related improvements will be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

NOW, THEREFORE, BE IT RESOLVED,

1. Based on the above considerations, Council finds: (a) the request as submitted or modified does conform to the City's Comprehensive Plan, or to specific elements of such plan and to official policies adopted pursuant thereto (b) the request is in harmony with the purpose and intent of the zoning district regulations, (c) this request will not have an undue adverse impact on the surrounding neighborhood, in terms of public health, safety or general welfare; and (d) this request is appropriately designed, sited, landscaped and otherwise configured.
2. This Council grants to Fredericksburg 35 LLC a special use permit to construct a light

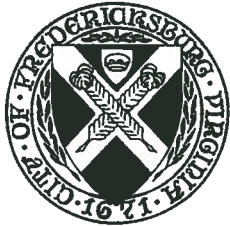
automotive service establishment in conjunction with a typical AAA travel office and related office services on property located at 2871 Plank Road, Tax Map No. 291 12871, GPIN 7769-62-9638, Fredericksburg, Virginia., in substantial accordance with its application for a special use permit dated March 29, 2011, subject to the following conditions:

- a) The development of the property shall be in general conformance with the exhibits found within the application dated 3/29/11 as amended.
- b) The exterior elevations of the buildings shall be in general conformance with the elevation plans and information submitted with the application.
- c) The proposed use of the property is permitted only so long as it continues and is not discontinued for more than two years.
- d) The use of the property shall commence within two years of the date of the adoption of the City Council resolution.
- e) The proposed dumpster shall be relocated to the rear of the property.

* * * * *

I, _____, Clerk of Council for the City of Fredericksburg, do hereby certify that the above is a true and correct copy of a Resolution passed and approved by the City Council of the City of Fredericksburg on the ____ day of _____, 2011.

Tonya B. Lacey
Clerk of Council



CITY OF FREDERICKSBURG, VIRGINIA

APPLICATION FOR SPECIAL USE PERMIT

received
4/4/2011

Application # SUP _____

Prior to submitting a Special Use Permit application you will need to contact the Building & Development Services Office at (540)372-1080 to schedule a pre-plan conference.

Definition

Special permit uses are uses which may have an undue impact or are incompatible with other land uses within a given area. These uses may be allowed, however, under standards, controls, limitations, performance criteria, restrictions, and other conditions specified in the Special Use Permit issued by the City Council.

Approval of a Special Permit Use

Each special permit use is carefully evaluated. The City may decide upon conditions for approval but may also deny such uses as incompatible with existing uses or the surrounding areas.

Application Requirements

Special permit use applications must be filed with the Office of Planning & Community Development. ***Applications must include the application fee of \$150.00 for single-family residential OR \$300 for all other requests, as well as the original application PLUS 25 additional copies of the application and 25 copies of the preliminary plan with the following information (attach additional sheets as necessary):***

1. Certified boundary survey of the property.
2. Total area of the property.
3. Location and dimensions of all existing structures and facilities.
4. Location and dimensions, including height, of all proposed structures, site improvements, facilities, parking and loading access points, utilities and landscaping.
5. Description of the development's impact on neighboring and adjacent properties.
6. A certified plat, signed and sealed by a professional surveyor as well as by an engineer and/or architect who is qualified to certify structural, grading, utility, and other site improvements.
7. Statement of proposed use, ownership, maintenance plan, management program, and other information, to include hours of operation, proposed number of employees, operator's qualifications, traffic impact projections, market area to be served, and architectural features of proposed structures.

Planning Commission and City Council Action

The Planning Commission will provide public notice and hold a public hearing concerning a

Special Use Permit before rendering a decision. Upon a recommendation by the Planning Commission, the City Council will render a final decision on all applications within sixty (60) days after the Planning Commission has acted upon it.

Special Use Permit Appeal

Appeals of City Council action on special use permit applications may be filed with the Clerk of the Circuit Court, within 30-days of City Council Action.

Conditions

The City may impose conditions, safeguards and restrictions upon a proposed Special Use Permit as it may deem necessary in the public interest to secure compliance with the Zoning Ordinance and the Comprehensive Plan including, but not limited to, the following conditions:

1. Limit the hours of operation for the Special Use Permit.
2. Place a time limit on the Special Use Permit and require that it be periodically renewed or extended.

The City may also revoke a Special Use Permit, but must hold a hearing on the revocation and shall give the holder at least ten (10) days written notice of the hearing.

Extensions/Renewal of Permits

Applications for extension or renewal of Special Use Permits must be filed in writing to the zoning administrator ninety (90) days before the expiration of the permit. The City will monitor the Special Use Permit to determine if the use continues to satisfy the conditions of the original permit.

Date of Application 3/29/11

Fee: \$150.00 or
\$300.00

Check # 9892

Name of Applicant Fredericksburg 35, LLC, c/o Rappaport Management Company

Mailing Address 8405 Greensboro Drive, 8th Floor, McLean, VA 22102

Telephone: 571-382-1237

The undersigned hereby applies for a Special Use Permit

for Light automotive services, in conjunction with typical AAA travel office & related services.

AAA Mid-Atlantic Car Care to include travel office and insurance services, retail sales of travel accessories (luggage, flash lights, name tags, travel convenience items) and light car care service (fluids, diagnostics, inspections, oil changes, tune-ups, balancing, alignment etc).

The property in question is described as follows:

Property Location Tax Map # 291-1-2871, 2871 Plank Road, Fredericksburg, VA

Property Owned By _____ Same as "applicant" above

Owner's Mailing Address _____ Same as above

Proposed Use of Property (*be specific*) _____

To retrofit and build an addition on to the former Fuddruckers Restaurant building in order to operate as automotive retail with service department facility to include AAA travel Office, insurance sales, travel accessories sales, and light automotive car care services. (See attached Project Description.)

Hours of Operation Mon-Sat 7-7, Sun 10-4 Number of Employees 24 full-time

Anticipated Number of Patrons or Clients Approximately 50 patrons per day

Description of the development's impact on neighboring and adjacent properties (please submit a complete and accurate description on a separate sheet of paper):



1. Compliance with Comprehensive Plan:
2. In harmony with the purpose and intent of the zoning district regulations:
3. In harmony with the existing uses of planned use of the neighboring properties:
4. Traffic Impact:

LIST OF ABUTTING PROPERTY OWNERS

IMPORTANT: *To be considered for a special use permit , the applicant is required to provide a list of the abutting property owners and property owners immediately across the street or road from the subject property, as shown on the current real estate tax assessment books. This information can be obtained from the Real Estate Division of the Commissioner of the Revenue's Office, Room 107, Fredericksburg, City Hall, 715 Princess Anne Street, Fredericksburg, Virginia, the applicant shall provide a copy of a tax map or composite of several tax maps highlighting the properties that property owner information is provided. Additional sheets may be used if necessary.*

	Assessor's Parcel No.	Name of Property Owner	Mailing Address of Abutting Property Owner
Applebees	291-1-2851	Central Park 1200, LLC	PO Box 3525, McKinney, TX 75070
Poncho Villa	291-1-2931	Central Park 1223, LLC	PO Box 5020, New Hyde Pk, NY 11042
Hotel	291-1-2801	Virginia Landmark Hotels, LLC	PO Box 59, Galveston, TX 79553
Outback	291-1-2941	Central park 1217, LLC	2202 NW Shore Blvd, Tampa FL 33607

The undersigned is aware that any Special Use Permit issued is revocable on the failure of either the operator of the use covered or the owner of the property to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated by the City of Fredericksburg in issuing same.


 Signature of Applicant _____ Date 4/1/11
 PRINT NAME Larry M. Spott
 EUP Development RAPPORT Management Company, Agent for Fredericksburg 35, LLC
 Signature of Property Owner _____ Date 4/1/11
 PRINT NAME: Larry M. Spott
 EUP Development - RAPPORT Management Company, Agent for Fredericksburg 35 LLC

NOTE: **PLEASE BE AWARE THAT YOU WILL NOT BE CONTACTED PRIOR TO THE PLANNING COMMISSION MEETING UNLESS THE STAFF HAS QUESTIONS CONCERNING THE APPLICATION. IF YOU WOULD LIKE A COPY OF THE STAFF MEMO, WHICH CONTAINS THE STAFF'S RECOMMENDATION, PLEASE PROVIDE A FAX OR E-MAIL ADDRESS. MEMOS WILL BE AVAILABLE THE MONDAY PRIOR TO THE PLANNING COMMISSION MEETING.**

Please do not write below this line.

Action by Planning
Commission _____

Date _____

Action by City Council _____

Project Overview

AAA Mid-Atlantic Car Care Special Use Permit Application

Request:

- Special Use Permit to allow light automotive services, maintenance and repair, along with the travel office, insurance and member services provided by AAA.
- The travel, insurance and member services to include retail sales of travel accessories (luggage, flashlights, name tags, etc), are uses that are permitted by-right within the PDC zoning district. The car care center repairs and maintenance services are the uses that necessitate the special use permit.

Proposed Use:

AAA Mid-Atlantic will provide car care, maintenance and repair services such as tune-ups, oil changes, inspections, fluids, diagnostics, tire rotations, wheel alignments and balancing, and similar light automotive services. These services will be provided within a fully enclosed facility in the back part of the overall proposed AAA Facility (retrofitted former Fuddruckers restaurant—see attached schematic). Access into and out of the car care center portion of the AAA facility will be from the single-garage door/bay located near the center of the back of the building. Again, these services are to be contained within the existing 5766 sq. ft. building formerly used as Fuddruckers restaurant.

The by-right uses – travel office, insurance, member services and accessory retail operations part of this new prototype AAA-offered facility – will be located within the 4258 sq. ft. addition that is to be constructed onto the front of the existing building.

The car care center will occupy 57% of the overall facility; the travel office, insurance and member services 43%.

Parking:

The proposed AAA car care center will have over fifty parking spaces immediately surrounding and available to the facility (see schematic plan). The adjacent restaurants also have more than adequate parking, and from day to day observation, there is always an abundance of parking spaces available, often underutilized, even during the busiest times for the restaurants.

Hours of Operation:

The hours of operation for the AAA-Atlantic car care facility will be 7AM – 7PM Monday through Saturday, and 10AM – 4PM on Sunday.

Employees:

There will be 24 full-time employees working at the facility, 12 within the travel office, insurance and sales portion, and 12 within the car care services center.

Patrons:

AAA anticipates that it will serve approximately 50 customers/patrons a day. This translates into an average of about 4-5 per hour for the 12 hours opened daily Monday through Saturday.

Compliance with Comprehensive Plan:

The proposed AAA Mid-Atlantic car care facility complies with the "Policies for Suburban Business districts" as outlined in Chapter 7 of the Comprehensive Plan, particularly Goal 3 which calls for retail businesses, offices and other facilities **"...that offer a wide variety of goods, services and jobs to residents."** The proposed use is also in line with the Land Use Planning Area 2 recommendation to **"...continue to support major commercial centers in the area, to boost local employment opportunities."**

In Harmony with PDC Zoning District:

The proposed AAA Mid-Atlantic car care facility/use adheres to the Purpose and Intent of the PDC Zoning district which in part was **"...established to provide location for a full range of retail commercial and service uses to serve a regional market area."**

Traffic Impact:

The proposed AAA Mid-Atlantic Car Care facility with 24 full-time employees and an anticipated 50 patrons a day spread over a 12- hour day will result in significantly less impacts to the surrounding traffic and road network than the 212-seat Fuddruckers Restaurant that was formerly operated at the subject site. The ITE (Institute of Transportation Engineers) handbook provides that restaurants like Fuddruckers, a high turnover sit-down facility (5766 sf/212 seats), generate about 1.5 times more average daily trips than a light automotive facility like the AAA car care center (10,024 square feet).

The ingress/egress points and cross travel/ interconnectivity within the immediately adjacent parking lots, coupled with the multiple access points onto Commerce Street and leading out to Carl D Silver Parkway have made for smooth travel patterns within this part of the commercial center. No problems or concerns of note have been encountered.

The location of the AAA facility between several restaurants along Commerce Street within Central Park does not pose any particular problems or concerns either. Two existing free-standing facilities that offer car care, maintenance and repair services, Merchants Tire and NTB (National Tire and Battery), have operated for years within the Central Park commercial center alongside restaurants and other retail shops without notable conflicts or problems

reported relative to vehicular or pedestrian safety. Merchants Tire Service facility is located along Carl D. Silver Parkway with the Santa Fe car wash adjoining on one side, and the Starbucks Coffee and Quiznos Sandwich Shop located immediately on the other side. NTB is located between Best Buy Retail Store on the one side and on the other the Fujiya Japanese restaurant and Big Screen TV Store. To our knowledge, the proximate locations of these varied uses have not resulted in any significant traffic, vehicular or pedestrian safety incidents or problems.

General:

AAA Mid-Atlantic Car Care has recently opened a similar facility in Frederick, Maryland. This facility is located within a smaller neighborhood shopping center. New facilities like the one proposed here are also planned in Manassas and Fairfax, Virginia. In addition, AAA has opened similar prototype car care facilities in Greensboro, NC (a retrofit of an old computer store) and in Durham, NC (a new prototype facility). Both facilities in North Carolina are located within major commercial centers like Central Park, anchored by Sams Club and Target (Greensboro) and by Macys and Target (Durham).

Of the over 2 million square feet of commercial space within the original Central Park commercial center, less than 15,000 sq. ft. of free-standing car care service buildings (appx. combined space of Merchants Tire and NTB) are provided. By contrast there are over 60 restaurants or eating establishments located throughout Central Park.

AAA has recognized the need for additional and convenient light automotive car care services within this particular area, and is excited to open one of their new prototype car care service centers in Fredericksburg at Central Park.

The facility proposed within Central Park is also located across Commerce Street from the Hospitality House hotel, and persons traveling and staying at the hotel may find it convenient to have traditional trademark AAA travel office and member services close by, and during their stay also take advantage of the car care, minor repair and maintenance services offered by AAA in their proposed new facility.

Building Elevations:

Building elevations for the proposed AAA car care facility are attached. Please note that there is only one garage door access into the rear car care center part of the facility. What appear to be similar to garage doors on the sides and front of the building are windows.

Also attached is an alta survey of the property (reduction), and a schematic overall layout plan for the proposed facility.

Preliminary Plan



AAA MID-ATLANTIC CAR CARE

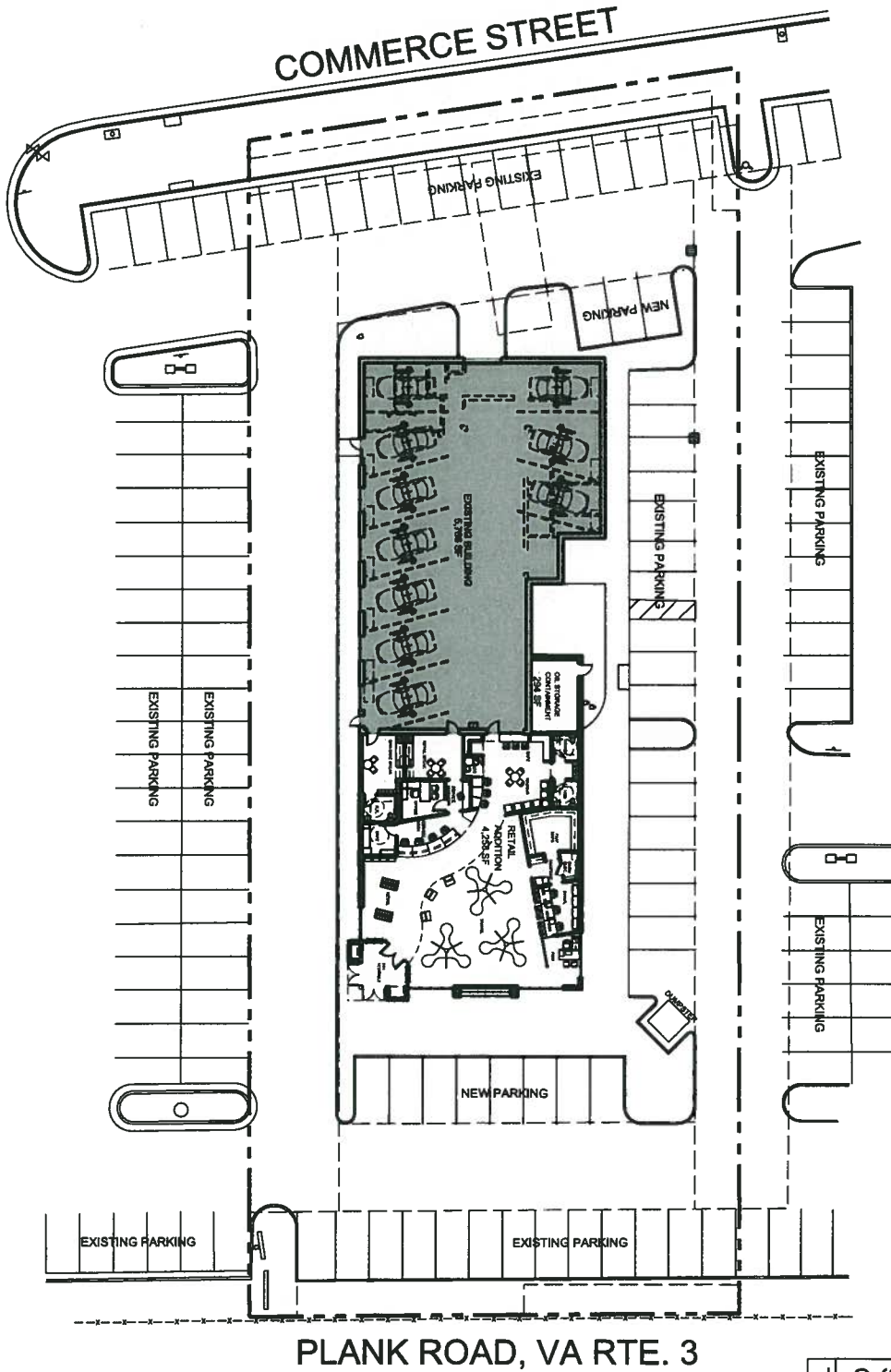
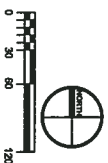
SCHEMATIC PLAN

March 1, 2011



ARCHITECTURE / INTERIORS
100 SOUTH COAST PI, DUNEL, MD 21046-2100
410-326-1000 FAX: 410-326-1001
WWW.AIDESIGNGROUP.COM

FOR PRESENTATION PURPOSES ONLY © DESIGN GROUP INC



AREA CALCULATIONS	
RETAIL:	4,258 SF
SHOP:	5,766 SF
OIL STORAGE:	294 SF
TOTAL BLDG	10,318 SF



FOR PRESENTATION PURPOSES ONLY



AAA CAR CARE CENTER

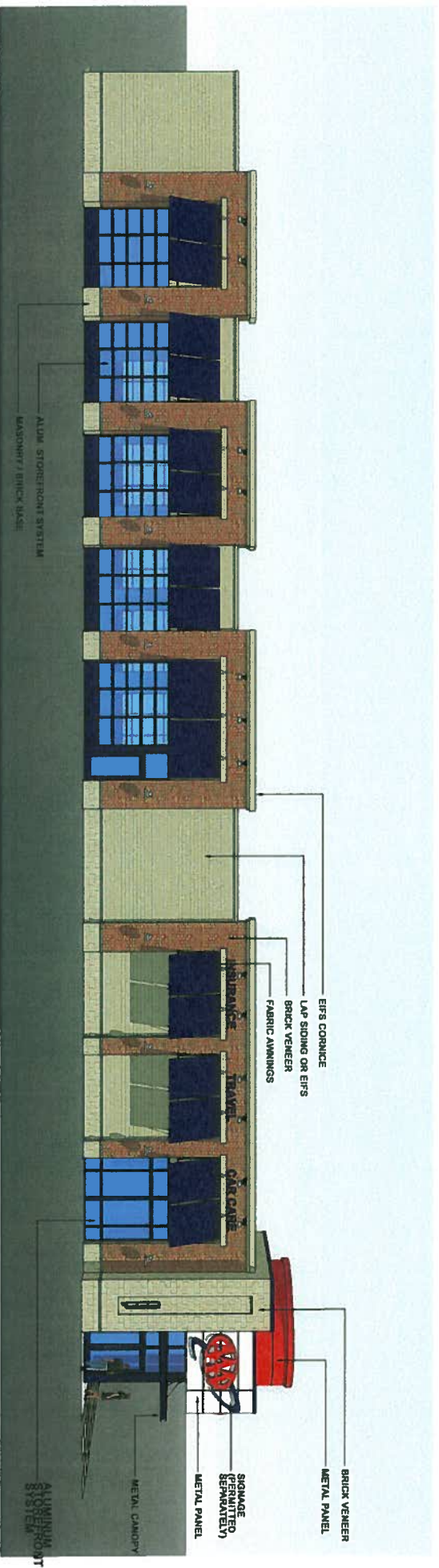
Fredericksburg VA

Front Perspective

March 31, 2011



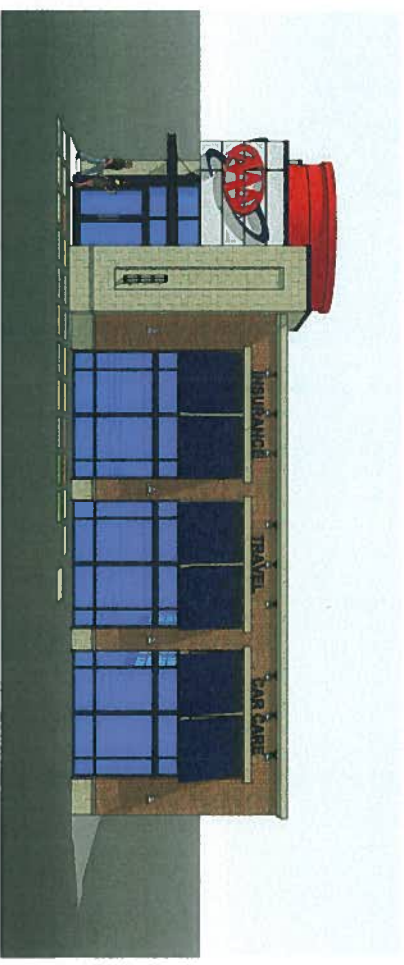
500 South Cedar St. P.O. Box 1700
Fredericksburg, VA 22401
Tel: (703) 731-4000 Fax: (703) 731-4000
www.aiidpc.com



SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION

FOR PRESENTATION PURPOSES ONLY



AAA CAR CARE CENTER

Building Elevations

March 31, 2011

ai DESIGN GROUP
ARCHITECTURE / INTERIORS
600 South College St. Raleigh, NC 27601
Phone: (919) 731-4300
Fax: (919) 731-4300
www.ai9pc.com



FOR PRESENTATION PURPOSES ONLY



AAA CAR CARE CENTER

Fredericksburg VA

Rear Perspective

March 31, 2011



SIGN POSTING PROCEDURES

Instructions

It is the applicant's responsibility to ensure that the sign(s) remain on the project site for the required time and are maintained in good/legible condition until after the public hearing date.

Site Posting Procedure

Sign(s) shall be posted at least five (5) business days before the public hearing/meeting. The applicant shall complete a notarized affidavit stating the sign(s) shall be posted in accordance with these procedures. Within three (3) days of posting the sign the applicant shall provide to the office of Planning and Community Development a photograph of the posted sign. **Failure to submit a notarized affidavit and/or photograph of the posted sign may result in the removal of the application from the scheduled meeting agenda.**

Information required on the sign(s) shall be completed by a member of the planning staff and provided to the applicant for posting. Sign(s) should not be returned to the Planning Department.

A minimum of one sign shall be placed along any adjacent arterial street. Signs should be posted every 600 feet when a street frontage adjacent to a project exceeds that distance. Sign(s) shall be placed parallel to the roadway.

Sign(s) shall be placed on the property in the most visible location available in such a manner that landscaping or other obstructions do not impair the visibility of the sign(s) from the street. The sign(s) shall not be placed on the public street right-of-way. The sign(s) should not be placed more than 10 feet behind the property line adjacent to the street.

The Planning Department may vary any of the above guidelines where there are special circumstances in order to ensure that the sign(s) will be visible to the general public.

The undersigned acknowledges that he/she has read this procedure and understands how and where to post the required sign(s).



Applicant Signature

3.31.11

Date



PERSPECTIVE



FRONT



REAR



FOR PRESENTATION PURPOSES ONLY



PLANNING COMMISSION

MINUTES

June 8, 2011

7:30P.M.

CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS

COMMISSION MEMBERS

Roy McAfee, Chair
Dr. Roy Gratz, Vice-Chair
Berkley Mitchell, Secretary
Susan Spears
Ricardo Rigual
Edward Whelan, III
Shawn Lawrence

CITY STAFF

Ray Ocel, Director of Planning
Debbie Ward, Zoning Officer

1. CALL TO ORDER

The June 8, 2011 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Roy McAfee.

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF MINUTES

- April 27, 2011 Planning Commission Minutes – Approved/adopted as submitted.
- March 30, 2011 Work Session Minutes – Approved/adopted as submitted.
- February 9, 2011 Work Session Minutes – Approved/adopted as submitted.

Mr. McAfee asked Mr. Ocel to explain the new procedures regarding public hearing items and voting on those items.

Mr. Ocel said that he and the Chairman had discussed a new procedure to publicly hear and item and after the public hearing is closed on that item and the Planning commission has completed its deliberation, and providing there are no unanswered questions, public concerns, etc., one of the Planning Commission members, other than the Chairman, can then make a motion to make a recommendation to City Council immediately following the public hearing on that particular item.

Mr. McAfee said this change was made in order to prevent staff from having to second guess which items the Commission *may* want to vote on immediately following a public hearing and that the new procedure follows that of the City Council.

Mr. McAfee also noted that public hearing Agenda Items 9 and 10 relate to the same issue and that they would be publicly heard at the same time.

an annual income of almost \$20 million, of which about 24% gets spent locally, so that puts approximately \$5 million into local retailing around town in neighboring commercial facilities. Once finished, it will support about 248 local jobs, every year for as long as the project exists. More important, he said is that it has been his experience that high quality housing attracts high quality, better paying jobs. He said housing has become an economic development tool.

Mr. Lawrence asked what type of jobs are created.

Dr. Fuller said most would be the retail/consumer service sector.

There was no public comment on this item.

Mr. McAfee closed the public hearing on SUP2011-02 (Johnson Development Associates, Inc).

Mr. McAfee said there did not appear to be any unanswered questions and that a positive recommendation had been made by staff. He asked if Commissioners were prepared to make a recommendation.

Mr. Ric Rigual said he was happy to hear that the City now has actual numbers from the Phase I part of The Haven to better understand the impacts of Phase II.

Mr. Mitchell made a motion to recommend approval of the special use permit for SUP2011-02, with the conditions recommended by staff.

Ms. Spears seconded the motion.

Motion carried by a vote of 5 – 2, with Mr. McAfee and Dr. Gratz voting against the motion.

- 5. SUP2011-03: Fredericksburg 35, LLC - Special Use permit request in order to operate a light automotive service business in connection with a AAA travel office located at 2871 Plank Road. (Former location of the Fuddruckers Restaurant) The property is zoned PD-C, Planning Development Commercial, which requires a special use permit in order to operate a light automotive service business. The property is designated as Planning Development-Commercial on the Future Land Use Map found within the 2007 Comprehensive Plan.**

Mr. Ocel presented the application. He said that the Rappaport Management Company is requesting a special use permit in order to construct a light automobile service establishment in conjunction with a typical AAA travel office and related office services at 2871 Plank Road. This is the location of the former Fuddruckers restaurant. AAA offices are currently located on Silver Street in Central Park, but they no longer have the need for the large office area.

The applicant notes in the application that while the request for a special use permit is for the automotive service, they will also offer travel service, insurance and member services provided by AAA. The travel, insurance and member services will also include retail sales of travel accessories. This part of the business will take place in a new addition that will be constructed on the front of the existing building.

AAA will provide maintenance and repair services such as tune ups, oil changes, inspections, diagnostics, tire rotations, wheel alignments and balancing and other similar light automotive services. These services will be provided within the rear portion of the building. Access into and out of the car care center will be from a single garage door located at the back of the building.

Hours of operation are proposed to be between 7:00 AM and 7:00 PM, Monday through Saturday and 10:00 AM to 4:00 PM on Sunday.

The property is zoned PDC, Planned Development Commercial, which permits "other uses determined by the City Council to be consistent and compatible within the PD-C district development". Vehicle repair service establishments are not uses listed by right or by special use permit in this district. However, in order to provide the most flexibility in this planned development district regarding uses, this language was included at the time the district regulations were adopted in the early 1990's.

Although the property has frontage on Plank Road, no direct vehicular access is permitted. Vehicular access is provided by Commerce Street which also serves the restaurants on either side of this property as well as other uses in the area.

Included within the application materials is a plan that shows the layout of the property, Commerce Street and the parking lot. The existing building is highlighted, while the addition is shown to the front of the building, or the Plank Road side.

A dumpster is shown in the parking lot near the front of the building and staff requested that the applicant move this to the rear of the building where three new parking spaces are shown, and the applicant has agreed to do this. The area where the dumpster is now shown will be redesigned to provide additional parking.

Access to the office portion of the building will be by the doors on the front of the building, while access to the repair area will be by a single garage door located to the rear of the building. (Please see the color rear building elevation plans included in the application materials).

Due to its enhanced visibility from Plank Road, staff recommended that the garage area be accessed by the one garage door located at the rear of the building to maintain a more attractive appearance. However, the windows shown on the side building elevations appear to be a very similar design to a functioning garage door, and staff has requested that the applicant redesign these windows on both sides of the building and the applicant has agreed to do so. Revised building elevation plans will be provided at the Planning Commission meeting to show this new design.

Special use permits are evaluated utilizing the criteria contained within section 78-994 of the Zoning Ordinance and they include:

- (c) The proposed special use at a specified location shall be:
 - (4) In harmony with the adopted comprehensive plan;
 - (5) In harmony with the purpose and intent of the zoning district regulations;
 - (6) In harmony with the existing uses or planned uses of neighboring properties.
- (d) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.
- (b) (1) In harmony with the adopted comprehensive plan.

The future land use map contained within the Comprehensive Plan designates this property as planned development/commercial. The surrounding properties are all designated in the same manner with the exception of the land on the opposite side of Plank Road which planned for general commercial development. The property lies within Land Use Planning Area 2: Central Park.

There are two Key Issues for this Area, with the following one being applicable to this location:

Key Issues

- Work with property owners to keep this area a vital component of the City's tax base.

The Plan does not provide specific recommendations for this property. However, the first recommendation for this Area is applicable and it states:

1. Continue to support major commercial centers in this area, to boost local employment opportunities.

The applicant notes within its application materials that the application meets the Policies for Suburban Business districts found in Chapter 7, particularly Goal #3 which calls for retail businesses, offices and other facilities that offer a wide variety of goods, services, and jobs to residents.

- (a) (2) In harmony with the purpose and intent of the zoning district regulations.

The intent section of the PDC district states that the district is established to provide locations for a full range of retail commercial and service uses which are oriented to serve a regional market area. The district also provides for planned employment centers with offices and professional business uses. The district should be located adjacent to major transportation arteries, with development encouraged in centers planned as a unit.

The corresponding uses permitted by right and by special use permit are listed because they contribute towards meeting the intent of the district. The flexibility afforded in the district by permitting uses determined by the City Council to be consistent and compatible within the PD-C district development, permits the City to evaluate various uses not specifically listed.

It is conceivable that the subject property can be developed with either commercial, office or restaurant uses but a combined office and related service use at this location would be appropriate given its location in the Center and the surrounding existing uses. The applicant has provided three letters of support from surrounding businesses that can be found within the application materials.

- (a) (3) In harmony with the existing uses or planned uses of neighboring properties.

The existing land uses in this area of Central Park are all oriented towards commercial uses with the exception of the hotel and conference center. At the present time, the property is surrounded by restaurants and commercial uses.

The future land use map contained within the Comprehensive Plan designates this property as planned commercial as is all of the land surrounding it. The land on the opposite side of Plank Road is designated as general commercial and contains various commercial uses as well as several vacant buildings. No new projects are proposed in the area at this time as Central Park is essentially built out. Future projects will most likely consist of back filling vacant buildings or changing the use of buildings as being proposed with this application.

- (b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

Development of the property as proposed should not hinder development elsewhere in Central Park or the immediate area. The applicant has taken care to propose a building design that will compliment the buildings in the immediate vicinity of the site with the use of masonry materials and windows. However, staff suggested that the red turret on top of the building, above the front entrance, be removed to enhance the appearance of the building and to make it appear more like a traditional office.

The site layout will be unchanged with the exception of the addition to the front of the existing building. The existing front parking area will be modified to accommodate the building addition. As stated earlier, the proposed dumpster location will be moved to the rear of the building.

Staff recommended approval of the application, and if the Planning Commission recommends approval of the special use permit to the City Council, the following conditions are recommended:

1. That the development of the property be in general conformance with the exhibits found within the application dated 3/29/11 as amended.
2. That the exterior elevations of the buildings be in general conformance with the elevation plans and information submitted with the application.
3. That the proposed use of the property is permitted only so long as it continues and is not discontinued for more than two years.
4. The use of the property shall commence within two years of the date of the adoption of the City Council resolution.

Dr. Gratz noted that Mr. Ocel had said there would be a change in design so the windows would not look like bay doors and he had thought the Commission would be getting a revised version of the design.

Mr. Ocel said he did receive those and that they have been modified. He then distributed copies of those changes to the Commission.

Dr. Gratz said he also believed Mr. Ocel had said he would like the dumpster relocated and noted that this is not part of the conditions. He asked if Mr. Ocel is satisfied that they said they would do it.

Mr. Ocel said he is comfortable with them saying they have no problem with the relocation of the dumpster but that he also has no problem with adding it as a condition if the Commission so desires.

Dr. Gratz asked what the procedures are for the disposal of used oil and other fluids.

Mr. Ocel said the Fire Marshall's office would be handling this issue during the site plan process.

Mr. Charlie Payne, 725 Jackson Street, Attorney representing the applicant, provided background to the request. He said they have provided City staff with letters of support for this project from surrounding businesses/restaurants.

Mr. Payne said there will be no long term storage of oil/fluids on the property and that they would be removed periodically from the site by an outside company.

Mr. Lawrence said he had noted that the facility will create 24 jobs.

Mr. Brad Murr, AAA, said there are currently already 10 employees and that the expansion would create an additional 14 jobs.

Mr. Lawrence asked where the towed cars would be stored.

Mr. Murr said there is no strong need for overnight stay of vehicles and that this is not a long-term facility. He said when the occasion arises they will also provide a shuttle service to customers.

Mr. Mitchell asked if staff's recommended conditions will prevent/restrict future bays.

Mr. Ocel said that if the applicants add on to the building they would be required to come back before the Commission/Council. But, if they can squeeze one additional bay into the footprint, they would be permitted to do that without coming back before the Commission/Council.

Dr. Gratz asked if the anticipated number of customers per day (50), were for both operations of the facility.

Mr. Murr said it would actually be a 50/50 split between the two operations -- the travel insurance and member services; and the maintenance operation.

Dr. Gratz asked where the customers go that are having an oil change, etc., as he noted the space in that work area appears to be pretty tight.

Mr. Murr said they do not allow customers to enter the work area typically and that they would utilize the front door/office of the service area.

Dr. Gratz asked Mr. Murr if he had a problem with moving the dumpster to the back.

Mr. Murr said they have no problem if the Commission desires to make that a condition as well.

There was no public comment on this item.

Ms. Spears made a motion to recommend approval with the 4 conditions outlined in the staff report.

Mr. Whelan seconded.

Dr. Gratz made a friendly amendment to the motion to include a 5th condition; that the applicants agree that the dumpster location will be moved to the rear of the building as suggested by staff.

Ms. Spears accepted the amendment.

Mr. Whelan seconded the amendment.

Motion carried unanimously by a vote of 7 – 0.

- 6. ZOTA2011-04: Zoning Ordinance Text Amendment** - Request to amend the City Code Chapter 78, Article III, "Zoning," by amending the following sections: Section 78-245, Bulk regulations and Section 78-276, Bulk regulations to address out of scale houses in the R-4 and R-8 zoning districts; Section 78-112 (9) is proposed to be amended to not require off street parking for the construction of houses on residential infill lots; expanding the uses permitted by special use permit in the R-4 and R-8 zoning districts by adding Section 78-242(19) and Section 78-273 (32); and amending Section 78-1 Definitions, Height, Building, by amending the way in which building heights are measured in the 100-year floodplain.

Mr. Ocel presented the amendment. He said amongst the many goals, policies and initiatives of the 2007 Comprehensive Plan, language to address the issue of the need to provide regulations to prohibit out of scale housing in the older, more traditional neighborhoods of the City is noted in several sections. Many older houses do not contain the amenities that a modern house contains, thus many older houses are being remodeled, expanded or razed and replaced with a larger